

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-830

November 20, 1998

NORMAN NOBLE
Appeal of Consumer Assistance
Division Decision #6132
Regarding Bowdoinham Water District

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

On October 23, 1998, Mr. Norman Noble appealed to the Commission a decision of the Commission's Consumer Assistance Division (CAD) related to his service from the Bowdoinham Water District (District). We have reviewed CAD's decision and find that it correctly addresses the issues raised in Mr. Noble's complaint. Therefore we dismiss Mr. Noble's complaint.

II. DECISION

As explained in CAD's decision, Mr. Noble's residence is located in a section of the District's service territory that experiences low water pressure. The Commission's rules define a low pressure area as one where substantially low uniform system pressure at the connection of the water service to the main may be expected to fall below 20 p.s.i.g., at time other than periods of fire flow or system maintenance. Chapter 62(2)(I). To improve pressure, the District provided Mr. Noble with a booster pump. However, the District did not comply with Commission rules that require the customer in a low pressure area to sign a limited service contract.

When Mr. Noble's booster pump and motor failed in 1998, the District told Mr. Noble he was responsible for repair costs. Mr. Noble then filed a complaint with CAD.

Based on an earlier decision of the Commission in similar circumstances, CAD decided that the District should pay for the repairs, but that in the future, Mr. Noble would be responsible

for any repairs or replacements and that he should sign the required limited service agreement.

Mr. Noble appealed CAD's decision to the Commission on October 27, 1998. Mr. Noble complains that the District only explained to him that he was in a low water pressure area when the pump broke and that the District will not guarantee that 20 p.s.i.g. exists from the service line to his residence.

As explained in the CAD decision, the District would not have installed the booster pump unless the water pressure was low in the area. Because the Noble residence is in a low pressure area, the District is not required to demonstrate that pressure exceeds 20 p.s.i.g..

We agree that the District acted reasonably in complying with CAD's decision in replacing the pump at no charge with the understanding that Mr. Noble would sign the limited service agreement. We will not require the District to replace or repair the tank, pump or motor if they fail in the future, whether or not Mr. Noble signs the limited service agreement.

We remind the District that it should not extend its mains or render service to customers in low pressure areas without first obtaining limited service agreements from the affected customers.

Dated at Augusta, Maine this 20th day of November, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.